

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

BARBARA R. KAPLAN,

Plaintiff,

v.

DAVIDSON & GRANNUM, LLP,  
SANDRA D. GRANNUM & DAVID L.  
BECKER,

Defendants.

Case No. 07C 6668

JUDGE GEORGE M. MAROVICH  
MAGISTRATE JUDGE SCHENKIER

**DEFENDANTS' MOTION TO DISMISS**

Defendants Davidson & Grannum, LLP, Sandra D. Grannum and David L. Becker (collectively “D&G”), hereby move this Court to issue an ORDER dismissing Plaintiff’s action and instructing Plaintiff to re-file her claim against D&G in the proper forum, the New York State Court hearing Grannum’s action against Plaintiff.

Plaintiff’s Cause of Action against D&G is one of legal malpractice arising from legal services provided by D&G to Plaintiff in New York. D&G filed suit against Plaintiff in New York 20 months ago, and Plaintiff’s claims could, and should, have been brought as a counterclaim in that action. As such, Plaintiff’s claims against D&G should be dismissed by this Court pursuant to the doctrine of *forum non conveniens*, the “first to file” rule and Illinois law. A Brief in Support of this Motion has been separately-filed with this Court.

Respectfully submitted,

**DAVIDSON & GRANNUM, LLP;  
SANDRA D. GRANNUM AND  
DAVID L. BECKER**

By: /s/ Daniel E. Tranen  
One of their attorneys

Daniel E. Tranen (#6244878)  
WILSON, ELSE, MOSKOWITZ,  
EDELMAN & DICKER LLP  
120 North LaSalle Street, Suite 2600  
Chicago, Illinois 60602  
Telephone: (312) 704-0550  
Facsimile: (312) 704-1522  
Daniel.Tranen@wilsonelser.com

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that a true and correct copy of the above and foregoing pleading was served on:

*Attorney for Plaintiff*  
Gregg M. Rzepczynski  
Gregg M. Rzepczynski & Associates Ltd.  
175 West Jackson Boulevard, Suite 1650  
Chicago, Illinois 60604

by:  hand-delivery;  facsimile;  overnight mail, next day delivery; and/or  depositing same in the US Mail at or before the hour of 5:00 p.m. this 21<sup>st</sup> day of December, 2007.

/s/ Daniel E. Tranen  
Daniel E. Tranen